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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/089,905

04/03/2002

David Jay Duffield

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07/17/2006

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EXAMINER

ZAND, KAMBIZ

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,905

Applicant(s)

DUFFIELD ET AL

Examiner

Kambiz Zand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

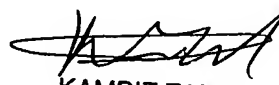
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1, 5, 13, 17, 19 and 21 have been amended.
4. Claims 1-22 are pending.

Response to Arguments

5. Applicant's arguments are not persuasive with respect to the claims since col.3, lines 6-22 disclose that it is the devices that being authorized in order to receive or transmit protected content and based on verification such action is being processed. Col.3, lines 51-56 disclose comparing the value in order to determine the device authorization.
6. independent claim language also uses the limitation "associated" with respect to approval code, which in broadest interpretation is not necessary means the device specific id. The specification also do not disclose more than an association, which is different from inherent device id.

the added limitation "capable of descrambling the protected content", "capable of receiving protected content" only describe the intended use (A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987))), furthermore, the recitation "capable of descrambling the protected content", "capable of receiving

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protected content" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

- Examiner suggests concentration on page 2 of the specification where the improvement over prior art is the reduction of number of bits based on selection of resources utilizing a certificate authority in transmission between the source and the receiver based on partial authentication of their respective id's (see the last paragraph of the background of the invention and the summary of the invention).
- Examiner would reconsider if the concept of the applicant's inventive steps over prior art be present in the claim language in a manner that do not raise new issues that require further consideration/ or possible search.

Claim Rejections - 35 USC § 102

7. **Claims 1-3, 5-9 and 12-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Graunke (6,731,758 B1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

As per claims 1 and 21 teach a method for verifying that a source device that is capable of receiving protected content is authorized to communicate the protected content to a sink device that is capable of descrambling the protected content comprising:

receiving at said source device an approval code associated with said source and sink devices; determining, in said source device, a local code using data associated with said source and sink devices (see fig. 2, item, 208 and 209 sent from video sink device 104 to video source 102 and associated text); and comparing, in said source device, at least a portion of said approval code to at least a portion of said local code (210 in fig.2 and associated text), and verifying that the sink device is authorized to receive the protected content from said source device in response to the comparison (see col.3, lines 6-22 and 51-56).

As per claim 2 teach the method according to claim 1, wherein said approval code is determined based on a hash calculation using identifiers uniquely associated with said source and sink devices and wherein said local code is determined based on a hash calculation using data from said sink device and a source identifier presorted in said source device (see fig.8b and associated text).

As per claims 3, 14 and 16 teach the method according to claim 2, wherein said data associated with said source device for determining said local code is not public information and wherein said data associated with said sink device for determining said

local code is public information (see Ak and Bk which corresponds to device identifier of the applicant).

As per claims 5 and 17-18 teach a method for verifying that a source device that is capable of receiving protected content is authorized to communicate protected content to a sink device that is capable of descrambling the protected content comprising: providing substantially unique identifiers associated with said source and sink devices to a validation authority; receiving from said validation authority an approval code, said approval code using data corresponding to said identifiers; determining, in said source device, a local code using said data associated with said source and sink devices, and comparing at least a portion of said approval code to at least a portion of said local code. and verifying that the sink device is authorized to receive the protected content from the source device in response to the comparison (see as applied to claim 1 above; also col.3, lines 1-5, it also disclose unique device identifier Ak and Bk).

As per claims 6 and 7 teach the method of Claim 5, further comprising said validation authority providing said at least portion of said approval code to a user, and said user providing said at least portion of said approval code to said source device (see the source and sink devices 102, 104 have been provided with an array of private keys and a complementary identifier by a certification authority).

As per claims 8 and 22 teach the method of Claim 5, wherein said source device is selected from one of an access device and a media player and wherein said sink device is a digital television (see fig.4 and associated text).

As per claim 9 teach the method of Claim 5, wherein said data associated with said source device is secured so as not to be readily ascertainable by said user.

As per claim 12 teach the method of Claim 1 , further comprising said source device communicating whether said source device is authorized to provide said content to said sink device to a user, and intentionally delaying communicating whether or not said compared approval code and local code are consistent (see 102 and 104authorized devices as applied to claims above where they both possess and share a common secret authentication key K_m , and if authentication fails the communication is delayed).

As per claim 13 teach the method for verifying that a selected device is authorized to receive protected content and for selecting at least one security key and at least one identifier used to access protected content, said method comprising:
receiving at a first device a plurality of security keys associated with said content;
receiving said identifier at said first device to be used to provide said content to a second device, said identifier being associated with said second device;
comparing said identifier with said plurality of security keys and verifying that said second device is authorized to receive said protected content in response to the

comparison, and selecting one of said plurality of security keys associated with said identifier using said first device; and,

providing said content to said second device using said first device and selected security key (see fig.2. FIG. 2 illustrates a process based method for providing video content from a source device to a sink device. Source and sink devices 102 and 104 are assumed to have each been provided with an array of private keys and a complementary identifier by a certification authority. As illustrated, upon power on or reset, source device 102 first provides a basis value to the symmetric ciphering/deciphering process to sink device 104 (block 202). For the illustrated embodiment, the basis value is a random number (A_n). A_n may be generated in any one of a number of techniques known in the art. Additionally, source device 102 also provides its identifier (A_k) to sink device 104 (block 202). In response, sink device 104 replies with its identifier (B_k) (block 203). Upon exchanging the above information, source and sink devices 102 and 104 independently generate their respective copies of an authentication key (K_m) using A_k and B_k (block 204 and 205). For the illustrated embodiment, source device 102 generates its copy of K_m by summing private keys of its provided array indexed by B_k , while sink device 104 generates its copy of K_m by summing private keys of its provided array indexed by A_k . At this time, if both source and sink devices 102 and 104 are authorized devices, they both possess and share a common secret authentication key K_m).

As per claims 15, 19 and 20 teach a method for verifying that a set top box is authorized to communicate protected content to a digital television comprising: receiving at said set top box an approval code associated with said set top box and said digital television; determining, in said set top box, a local code using data associated with said set top box and said digital television; and comparing at least a portion of said approval code to at least a portion of said local code, and verifying that said digital television is authorized to receive said protected content from said set top box in response to the comparison; wherein the approval code is generated using the respective serial numbers of the set top box and the digital television. (see as applied to claim 1 above in addition to item 108A in fig.4 deals with set up box).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 4, 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke (6,731,758 B1).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is

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respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

As per claims 4 and 10 teach all limitation of the claim as applied to claims above including certification authority but do not explicitly disclose usage of "public key".

However usage of the public key by certificate authority is well known method as Graunke have refer to it indirectly by using the "private keys" which are usually paired with the public keys in order to transmit a common secret between the two entities.

As per claim 11 Graunke (6,731,758 B1) teach the method according to claim 10, wherein said data associated with said source device for determining said local code is not public information and wherein said data associated with said sink device for determining said local code is public information (see Ak and Bk which corresponds to device identifier of the applicant).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

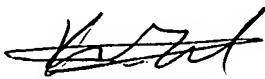
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned are 571-272-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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